

## REMARKS

In view of the above amendments, and the following remarks, Applicants request favorable reconsideration of the above-identified application.

Claims 59-79 are now pending in this application, with Claims 59, 66, and 73 being independent. By this Amendment, Applicants have canceled Claims 1-58, added new Claims 59-79, and amended the specification. The change to the specification corrects a typographical error. No new matter has been added.

Claims 1-8, 10-21 and 24-58 stand rejected under 35 U.S.C. § 102 as being anticipated by U.S. Patent No. 5,751,449 (Nobuta). Claim 11 stands rejected under 35 U.S.C. § 103 as being unpatentable over Nobuta in view of U.S. Patent No. 6,338,539 (Kobayashi, et al.). Applicants traverse these rejections.

Initially, Applicants note that the Notice of References Cited attached to the Office Action does not list Nobuta and Kobayashi, et al. Accordingly, Applicants request that the Examiner issue a PTO-892 Form to list those documents, with the next Official Action in this case.

As recited in new independent Claim 59, Applicants' invention is directed to a facsimile apparatus having a recording unit and control unit. The recording unit is capable of printing a received facsimile image by selectively using a first unit for color image printing and second unit for high-quality color image printing. The control unit controls the control unit to print a received color facsimile image not by the second unit, but by the first unit.

Accordingly, Applicants invention involves two units for printing different classes of color images, and a control mechanism for preventing the high-quality color image unit from being used in certain circumstances.

As recited in independent Claims 66 and 73, Applicants' invention is also directed to a method and a computer program, respectively, for performing the general functions of the facsimile apparatus recited in independent Claim 59.

Nobuta is cited in the Office Action as describing an image forming apparatus which is capable of printing both monochromatic and color images, as well as selecting one of those printing capabilities based on specified criteria. However, as now recited in the independent claims, Applicants invention involves two different units for different classes of color image printing, and controlling the facsimile apparatus not to use the unit for high-quality image printing, and instead use the other unit for color image printing. Applicants submit Nobuta does not describe different units for color image printing and high-quality color image printing, and controlling the device to use one over the other.

Kobayashi, et al. is cited in the Office Action as describing an apparatus that detects that there is no black ink available. Applicants submit, however, that this reference fails to remedy the deficiencies discussed above with respect Nobuta.

Accordingly, Applicants submit that Nobuta and Kobayashi, et al., taken alone or in combination, fail to disclose or suggest at least the features of printing a received facsimile image by selectively using a first unit for color image printing and a second unit for high-quality color image printing, and controlling the facsimile apparatus to

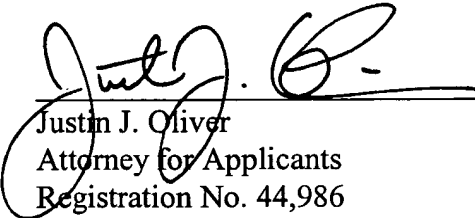
print a received color facsimile image not by the second unit, but by the first unit, as recited in independent Claims 59, 66 and 73.

The remaining claims in the present application are dependent claims which depend from the above-discussed independent claims, and thus are patentable over the applied patents for reasons noted above with respect to those independent claims. In addition, each recites features of the invention still further distinguishing it from the applied patents. Applicants request favorable and independent consideration thereof.

For the foregoing reasons, Applicants request withdrawal of the outstanding rejections under 35 U.S.C. §§ 102 and 103, and allowance of this application.

Applicants' undersigned attorney may be reached in our Washington, D.C. office by telephone at (202) 530-1010. All correspondence should continue to be directed to our below-listed address.

Respectfully submitted,

  
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